

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BARRY JOE STULL, **3:11-CV-795-PK**

Plaintiff, **ORDER**

v.

City of Portland, Oregon,

Defendant.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#7) on August 8, 2011, in which he recommends this Court dismiss Plaintiff Barry Joe Stull's Complaint (#2) with leave for Plaintiff to file an amended complaint. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#7). Accordingly, the Court **DISMISSES** Plaintiff's Complaint (#2) **without prejudice** and **GRANTS** Plaintiff leave to file an amended complaint **no later than September 16, 2011**. In accordance with the Findings and Recommendation, any amended complaint **must include the following:** (1) the basis for federal subject-matter jurisdiction over Plaintiff's claims; (2) the basis for Plaintiff's standing to bring an action to challenge the enactment of the disputed Portland City Ordinance, including the basis for any actual injury suffered by Plaintiff resulting from same; (3) the nature of the constitutionally protected property or liberty interest that was impaired by Defendant City of Portland's enactment of the disputed ordinance; and (4) the factual and legal basis for any alleged claim under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, et

seq.

The Court also **DENIES** City of Portland's Motion (#5) for Extension of Time as **MOOT**.

IT IS SO ORDERED.

DATED this 30th day of August, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge